

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BERNARDO MENDIA,
Plaintiff,

v.

BRECKENRIDGE PROPERTY FUND
2016 LLC, et al.,
Defendants.

Case No. [20-cv-08090-JSW](#)

**ORDER TO SHOW CAUSE AND
VACATING CASE MANAGEMENT
CONFERENCE**

Re: Dkt. Nos. 7, 11

Plaintiff filed this action on November 12, 2020. On January 6, 2021, the Court denied Plaintiff's *ex parte* application for application for a temporary restraining order and noted that, as of the date of that order, no summons had been issued and the record did not show Plaintiff had served the named Defendants with the Complaint. (*See* Dkt. No. 7.) After the Court issued that Order, Plaintiff filed a proposed summons, which the Clerk issued on January 7, 2021.

Pursuant to Federal Rule of Civil Procedure 4(m), the deadline for Plaintiff to serve Defendants was February 10, 2021. Although Defendants filed an opposition to Plaintiff's renewed motion for a temporary restraining order, there still is no indication in the record that they were formally served with the summons and the complaint. Apart from the opposition to the application for a temporary restraining order, they have not yet appeared in the action by filing an answer or by moving to dismiss.

The case is scheduled for a case management conference on March 19, 2021, and neither Plaintiff nor Defendants have filed a case management conference statement.

The Court VACATES the case management conference, and it shall reschedule that conference as needed. The Court ORDERS Plaintiff to show cause why this case should not be dismissed without prejudice based on his failure to serve Defendants within the time period

1 required under Rule 4(m) or, in the alternative, why good cause exists to extend the time for
2 service.

3 Plaintiff's response to this Order to Show Cause shall be due by no later than March 24,
4 2021.

5 **IT IS SO ORDERED.**

6 Dated: March 15, 2021


JEFFREY S. WHITE
United States District Judge